

REMARKS

As an initial matter, Applicants wish to address the Information Disclosure Statements (IDSs) that were filed on February 27, 2008 and March 17, 2008.

In the IDS of February 27, Applicants submitted Japanese Patent Publication Nos. 2000-148796, 11-288424, and 2000-050233, along with corresponding English language abstracts and partial translations thereof. In the Ex parte Quayle Action, the Examiner indicated that he had not considered the abstracts and translations because the IDS did not list the relevant pages of the translations, citing 37 C.F.R. §1.98(b)(5).

Applicants respectfully submit that the Examiner has misapplied 37 C.F.R. §1.98(b)(5). 37 C.F.R. §1.98(b)(5) provides that each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication. However, the translations of the Japanese patent publications are not publications, as they were not published. Rather, the translations were prepared by Applicants merely for the benefit of the Examiner.

Applicants' representative discussed this matter with the Examiner on November 5, 2009, and with his supervisor, Doug Hutton, on November 6, 2009. Mr. Hutton took the position that it was unnecessary for Applicants to separately list the Abstracts and partial translations of the Japanese patent publications under the "OTHER DOCUMENTS" section of the PTO-1449, and confirmed that, even though the Examiner has crossed through these listings on the PTO-1449, the Examiner has in fact considered the abstracts and partial translations, because he confirmed on the PTO-1449 that he had considered the underlying Japanese patent publications listed under the "FOREIGN PATENT DOCUMENTS" section of the PTO-1449.

As for the IDS of March 17, 2008, in the IDS, Applicants submitted a copy of the “Synchronized Multimedia Integration Language (SMIL) 1.0 Specification”, which was cited in a European Office Action (also provided with the IDS). In the European Office Action, the European Examiner did not indicate which pages of the SMIL specification were relevant. Thus, Applicants assumed that the European Examiner has found all pages of the SMIL specification to be relevant. Since all pages of the SMIL specification were assumed to be relevant, Applicants did not specify relevant page numbers of the SMIL specification in the IDS.

Nevertheless, the Examiner and his supervisor have requested that the PTO-1449 be modified to indicate that all pages are relevant. Pursuant to this request, Applicants have attached an updated PTO-1449 specifically listing “all pages” of the SMIL specification as being relevant. Applicants submit that the updated PTO-1449 complies with all of the requirements of 37 C.F.R. §1.98, and request that the Examiner initial the PTO-1449 to confirm his consideration of the SMIL specification, and return an initialed copy of the PTO-1449 with the Notice of Allowance.

In the Ex parte Quayle Action, the Examiner objects to the specification under 37 CFR 1.75(d)(1), asserting that it fails to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner asserts that the terms “analyzer” and “selector” are not mentioned in the specification.

Applicants have amended the specification to provide explicit antecedent basis for the terms “analyzer” and “selector”. Accordingly, Applicants request that the Examiner withdraw the objection to the specification, and issue a Notice of Allowance.

SUMMARY AND CONCLUSION

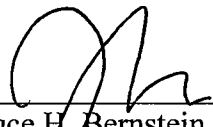
Applicants respectfully request that the Examiner issue a Notice of Allowance.

Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have done so.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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